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11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13 LATIA ALEXANDER, individually as heir of  
14 ISAIAH T. WILLIAMS and in her capacity as  
Special Administrator of the Estate of ISAIAH  
T. WILLIAMS,

15 Plaintiff,

16 v.

17 LAS VEGAS METROPOLITAN POLICE  
18 DEPARTMENT, a political subdivision of the  
State of Nevada; KERRY KUBLA, in his  
19 individual capacity; BRICE CLEMENTS, in  
20 his individual capacity; ALEX GONZALES,  
in his individual capacity; RUSSELL  
21 BACKMAN, in his individual capacity;  
JAMES ROTHENBURG, in his individual  
22 capacity; JAMES BERTUCCINI, in his  
individual capacity; MELANIE O'DANIEL,  
23 in her individual capacity; DOES I-XX,  
24 inclusive,

25 Defendants.

CASE NO. 2:24-cv-00074-APG-NJK

**PLAINTIFF'S MOTION TO FILE  
MOTION TO MODIFY STIPULATED  
PROTECTIVE ORDER BETWEEN THE  
PARTIES AND RELATED EXHIBITS  
UNDER SEAL**

26 Plaintiff, LATIA ALEXANDER, individually as heir of ISAIAH T. WILLIAMS and in her  
27 capacity as Special Administrator of the Estate of ISAIAH T. WILLIAMS, by and through her  
28

1 counsels of record Adam J. Breeden, Esq., of BREEDEN & ASSOCIATES, PLLC, and Corrine P.  
2 Murphy, Esq., of MURPHY’S LAW PC, hereby submits her *Plaintiff’s Motion to File Motion to*  
3 *Modify Stipulated Protective Order Between the Parties and Related Exhibits Under Seal* to seek  
4 leave of this Court for Plaintiff to file a motion regarding a document Defendants designated as  
5 confidential pursuant to the Stipulated Protective Order (ECF No. 21), the Critical Incident Review  
6 Team report (“CIRT Report”). Due to the existing protective order, these filings are submitted under  
7 seal pursuant to Local Rule IA 10-5.

## 8 **MEMORANDUM OF POINTS AND AUTHORITIES**

### 9 **I. INTRODUCTION**

10 Plaintiff Latia Alexander respectfully concurrently moves this Court to modify the Stipulated  
11 Protective Order entered on March 12, 2024 (ECF No. 21) (“Protective Order”). Plaintiff designates  
12 the CIRT Report as Exhibit “1” to her Motion, as well as the Tactical Review Board (“TRB”) memo,  
13 designated as Exhibit “5.” While Plaintiff seeks to remove the CIRT Report from the Stipulated  
14 Protective Order (ECF No. 21), Plaintiff provides the documents as they were produced by  
15 Defendants herein – unredacted – but sealed from the public for the Court’s review. Although Plaintiff  
16 contends the CIRT Report largely ought to be publicly available, there is unequivocally some limited  
17 information in the CIRT Report which ought to be redacted before being publicly available, such as  
18 personal identifiers and information regarding the investigation into the underlying crime which had  
19 limited bearing on the fatal SWAT shooting involved in this case.

### 20 **II. FACTUAL AND PROCEDURAL BACKGROUND**

21 This case arises from the fatal shooting of Isaiah T. Williams by Las Vegas Metropolitan  
22 Police Department (LVMPD) officers during a SWAT operation on January 10, 2022. Plaintiff  
23 alleges that LVMPD's actions violated Mr. Williams’ constitutional rights.

24 During discovery, Plaintiff requested internal investigative reports, including the CIRT  
25 Report. Defendants designated the CIRT Report and other critical materials as “Confidential” under  
26 the Protective Order (ECF No. 21). Plaintiffs were required to agree to a protective order before they  
27 were allowed to even see the CIRT Report.

28 The Protective Order (ECF No. 21) broadly defines “Confidential” to include various

categories of sensitive information, but its scope fails to distinguish between legitimate privacy interests and matters of significant public concern. Plaintiff now seeks a modification to limit the confidentiality designation to specific privacy-related information while permitting public access to documents that inform the public about government accountability (and there is much accountability of LVMPD and its officers to be had in this case).

This Court modified the parties' stipulated Protective Order as follows:

**X. FILING PROTECTED MATERIAL**  
**See order issued concurrently herewith.**

(ECF NO. 21) at p. 9:25-26.

This Court thereafter issued an Order, dated March 12, 2024 (ECF No. 22), ordering as follows:

**IT IS ORDERED** that counsel shall comply with the requirements of Local Rule IA 10-5, the Ninth Circuit's decision in *Kamakana*, 447 F.3d 1172, and the procedures outlined above, with respect to any documents filed under seal. To the extent any aspect of the stipulated protective order may conflict with this order or Local Rule IA 10-5, that aspect of the stipulated protective order is hereby superseded with this order.

at p. 2:12.14.

### III. LAW AND ARGUMENT

#### A. Legal Standard

The Local Rule for filing under seal states the following in pertinent part:

#### **LR IA 10-5. SEALED DOCUMENTS**

(a) Unless otherwise permitted by statute, rule, or prior court order, papers filed with the court under seal must be accompanied by a motion for leave to file those documents under seal. If papers are filed under seal under prior court order, the papers must state on the first page, directly under the case number: "FILED UNDER SEAL UNDER COURT ORDER (ECF No. \_\_\_\_)." All papers filed under seal will remain sealed until the court either denies the motion to seal or enters an order unsealing them.

**B. Plaintiff Properly Moves to File Under Seal**

Pursuant to the Protective Order (ECF No. 21) and this Court's subsequent Order (ECF No. 22), and Local Rule IA 10-5, Plaintiff files this motion and seeks leave of this Court to file *Plaintiff's Motion to Modify Stipulated Protective Order Between the Parties* together with related exhibits, under seal.

**C. Redactions are Appropriate and Warrant Filing Under Seal Currently**

There is personal, private information which ought to be redacted and aside from Defendants' designation of the CIRT Report as confidential under the Protective Order, warrants Plaintiff currently filing under seal. That information includes, in part:

1. Personal identifying information of LVMPD officers and witnesses, including addresses, dates of birth, and contact information;
2. Details of ongoing investigations unrelated to the incident at issue;
3. Sensitive medical or disciplinary records unrelated to the claims and defenses in this case; and
4. Weapons information and serial numbers.

**IV. CONCLUSION**

For the foregoing reasons, Plaintiff respectfully requests that this Court grant her *Plaintiff's Motion to File Motion to Modify Stipulated Protective Order Between the Parties and Related Exhibits Under Seal*.

Dated February 4, 2025.

**BREEDEN & ASSOCIATES, PLLC**

*/s/ Adam J. Breeden*

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 4th day of February, 2025, I served a copy of the foregoing legal document **Plaintiff's Motion to File Motion to Modify Stipulated Protective Order Between the Parties and Related Exhibits Under Seal** via the method indicated below:

<b><u>X</u></b>	Through the Court's ECF/CM system on all registered users
	Pursuant to FRCP 5, by placing a copy in the US mail, postage pre-paid to the following counsel of record or parties in proper person:
	Via receipt of copy (proof of service to follow)

An Attorney or Employee of the following firm:

*/s/ Kirsten Brown*

**BREEDEN & ASSOCIATES, PLLC**